

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAMES MCGIBNEY, et al.,
Plaintiffs,
v.
THOMAS RETZLAFF,
Defendant.

Case No. [14-cv-01059-BLF](#)

**ORDER REGARDING FILINGS ON
DEFENDANT'S BILL OF COSTS;
CONSTRUING "MOTION" FOR BILL
OF COSTS AS BILL OF COSTS
PURSUANT TO CIVIL L.R. 54-1**

[Re: ECF 176, 178, 179, 180, 181]

On June 27, 2015, *pro se* defendant Thomas Retzlaff filed an Amended Bill of Costs, ECF 178, followed by a "Motion for Bill of Costs" on June 29, 2015, ECF 179. In light of such filing, Plaintiffs' June 26, 2015 "Opposition to Request for Costs," ECF 176, which was erroneously filed as a motion, is DENIED as moot.

Because Defendant's June 27, 2015 and June 29, 2015 filings are duplicative, Defendant's June 29, 2015 "Motion for Bill of Costs" at ECF 179 is hereby construed as a Bill of Costs submitted pursuant to Civil Local Rule 54-1 and Federal Rule of Civil Procedure 54(d)(1) as a request for taxation of costs by the Clerk of the Court.


Defendant's June 30, 2015 "Emergency Administrative Motion to Strike Plaintiffs' Opposition to Bill of Costs for Rules Violations [L.R. 7-11]," ECF 181, is GRANTED IN PART and DENIED IN PART. Civil Local Rule 54-2 permits a party to "serve and file any specific objections to any item of cost claimed in the bill, succinctly setting forth the grounds for each objection." Plaintiffs' June 30, 2015 response to Defendant's Bill of Costs at ECF 180 does not wholly comply with this rule and contains substantial irrelevant matter.¹ As such, the Court

¹ Counsel for Plaintiffs is directed to review Items 7 and 18 of the Guidelines for Professional Conduct, which apply to all lawyers who practice in this district.

GRANTS Defendant's motion to strike the portions of Plaintiffs' response from page 2, line 7 to page 10, line 2. Defendant's motion is DENIED with respect to the remainder of Plaintiffs' response, which shall be deemed their opposition pursuant to Civil Local Rule 54-2.

IT IS SO ORDERED.

Dated: August 5, 2015


BETH LABSON FREEMAN
United States District Judge

United States District Court
Northern District of California